

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- :

OSCAR SANTANA ANA GALLEGOS, and  
MARTIN ARROYAVE,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONIC  
DOC #: *OCT 15 2007*  
DATE FILED: INDICTMENT

**07CR 960**

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COUNT ONE

The Grand Jury charges:

1. From in or about May 2007, up to and including on or about July 19, 2007, in the Southern District of New York and elsewhere, OSCAR SANTANA ANA GALLEGOS and MARTIN ARROYAVE, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that OSCAR SANTANA ANA GALLEGOS and MARTIN ARROYAVE, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

OVERT ACTS

3. In furtherance of the conspiracy and to effect the

illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about July 18, 2007, OSCAR SANTANA ANA GALLEGOS, the defendant, drove to the parking lot of a Wendy's restaurant in Queens, New York (the "Wendy's Parking Lot"), in which a minivan containing 70 kilograms of sham cocaine (the "Minivan") was parked.

b. On or about July 18, 2007, MARTIN ARROYAVE, the defendant, entered a restaurant near the Wendy's Parking Lot and spoke with GALLEGOS.

c. On or about July 18, 2007, ARROYAVE drove the Minivan from the Wendy's Parking Lot to a location in Queens.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One this Indictment, OSCAR SANTANA ANA GALLEGOS and MARTIN ARROYAVE, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this

Indictment.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)

Armenia Alford  
Foreperson

Michael J. Garcia  
MICHAEL J. GARCIA  
United States Attorney

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INDICTMENT

07 Cr.

(21 U.S.C. § 846)

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

*Alexander Acosta*  
Foreperson.

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10/15/07 Filed Indictment. Case assigned to Judge Berman.  
*WT*

Pitman  
U.S.M.J.